

Notice of Allowability

Application No.

09/931,157

Examiner

Christopher J Nichols, Ph.D.

Applicant(s)

IMURA ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 30 April 2004.
2. ☒ The allowed claim(s) is/are 35,36 and 38.
3. ☒ The drawings filed on 21 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/121,446.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Status of Application, Amendments, and/or Claims

1. The Response and Amendment filed 30 April 2004 has been received and entered in full.

Withdrawn Objections And/Or Rejections

2. The Objections to the Specification as set forth at pp. 2-3 4-5 in the previous Office Action (30 January 2004) are hereby *withdrawn* in view of Applicant's amendments (30 April 2004).
3. The Rejection of the Claims under 35 U.S.C. §112 ¶1 as set forth at pp. 3-10 ¶6-23 in the previous Office Action (30 January 2004) is *withdrawn* in view of Applicant's amendments (30 April 2004).
4. The Rejection of the Claims under 35 U.S.C. §112 ¶2 as set forth at pp. 10-11 ¶24 in the previous Office Action (30 January 2004) is *withdrawn* in view of Applicant's amendments (30 April 2004).
5. All Rejections and Objections not herein maintained are *withdrawn*.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the Claims:

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Claims 1-34 (Cancelled)

Claim 35 (Previously Presented) A method of screening a library of candidate compounds, comprising the steps of:

contacting a sample comprising a human endothelin receptor having an affinity for endothelins 1 and 2, comprising an amino acid sequence ~~from Asp at 1 to Asn at 407 of~~ encoded by a DNA molecule comprising a nucleic acid sequence from G at 545 to C at 1765 as shown in SEQ ID NO: 1 with each candidate compound in the library, detecting binding of the candidate compound to the endothelin receptor, and identifying compounds which bind to the endothelin receptor; and selecting a target compound identified from the library.

Claim 36 (Previously Presented) The method of claim 35, wherein the sample comprises a cell expressing a human endothelin receptor having an affinity for endothelins 1 and 2, comprising an amino acid sequence ~~from Asp at 1 to Asn at 407 of~~ encoded by a DNA molecule comprising a nucleic acid sequence from G at 545 to C at 1765 as shown in SEQ ID NO: 1.

Claim 37 (Cancelled)

Claim 38 (Previously Presented) A method of determining ET-1 or ET-2 in a sample, comprising the steps of:

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contacting the sample with an endothelin receptor ~~according to claim 23~~ encoded by a DNA molecule comprising a nucleic acid sequence from G at 545 to C at 1765 as shown in SEQ ID NO: 1, wherein the endothelin receptor is present on a cell membrane; and detecting binding of the sample to the endothelin receptor.

Claim 39 (Cancelled)

7. Authorization for this examiner's amendment was given in a telephone interview with Alan Hodes on 26 May 2004.

Summary

8. Claims 35, 36, 38 are hereby allowed.

9. The Examiner acknowledges that acceptance of the above Examiner's Amendment does not mitigate in any way, shape, or form, Applicant's right to pursue additional subject matter in continuation, continuation-in-part, and/or divisional applications pursuant to 35 U.S.C. §120 and §121.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher James Nichols, Ph.D.** whose telephone number is **(571) 272-0889**. The examiner can normally be reached on Monday through Friday, 8:00 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gary Kunz, Ph.D.** can be reached on **(571) 272-0887**.

The fax number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Elizabeth C. Kemmerer

CJN
May 26, 2004

ELIZABETH KEMMERER
PRIMARY EXAMINER